

No. 33
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, April 24, 1997.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Connie B. Binsfeld.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Bennett—present
Berryman—present
Bouchard—present
Bullard—present
Byrum—present
Carl—present
Cherry—present
Cisky—present
Conroy—present
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present

Emmons—present
Gast—present
Geake—present
Gougeon—present
Hart—present
Hoffman—present
Koivisto—present
McManus—present
Miller—present
North—present
O'Brien—excused
Peters—excused
Posthumus—present

Rogers—present
Schuette—present
Schwarz—present
Shugars—present
A. Smith—present
V. Smith—present
Stallings—excused
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—present
Young—present

Senator Walter H. North of the 37th District offered the following invocation:

Dear God, first let our thoughts and prayers be with all those unfortunate people in North Dakota and the suffering they're going through, but let it also be a reminder that we are mere mortals. Bless the families of those who serve in the Chamber and particularly the daughters of legislators who are with us today. Bless our family for the sacrifices they make so that we may serve. Let us have the ability to recognize that we are 38 distinct individuals from different areas of the state, different political philosophies and political parties. Grant us the wisdom to rise above that and do what is best for the citizens of this great state. We ask this in Thy name. Amen.

Motions and Communications

Senators A. Smith and Young entered the Senate Chamber.

The following communication was received:

Arizona Secretary of State

March 24, 1997

The Forty-third Legislature of the State of Arizona has passed Senate Concurrent Memorial 1001 and filed it in our office March 19, 1997. The language in this Memorial stipulates that we send a copy of the Memorial to the President of the United States, each member of the United States House of Representatives, each member of the United States Senate, and the presiding officer of each house of the legislature of each state in the Union.

Please find enclosed a copy of Senate Concurrent Memorial 1001.

Sincerely,
Jane Dee Hull
Secretary of State

The communication was referred to the secretary for record.

The Secretary announced the printing and placement in the members' files on Wednesday, April 23 of:

Senate Bill Nos. 407 408 409 410 411 412 413 414 415 435 436

Senate Joint Resolution I

Senator DeGrow moved that Senator Posthumus be temporarily excused from today's session.

The motion prevailed.

Senator DeGrow moved that rule 3.902 be suspended to allow daughters of Senators and staff admittance to the Senate floor for "Take Your Daughter To Work Day."

The motion prevailed, a majority of the members serving voting therefor.

Senator V. Smith moved that Senators O'Brien, Stallings and Peters be excused from today's session.

The motion prevailed.

Senator Peters is at Camp Lejeune, North Carolina, participating in "Exercise Sharp Wedge" as part of his Naval Reserve duty.

Messages from the Governor

The following messages from the Governor were received and read:

April 23, 1997

There is herewith presented for consideration and confirmation by the Senate, the following appointment to office:

Mackinac Bridge Authority

Mr. William Gnodtke, 856 1st Street, Charlevoix, Michigan 49720, county of Charlevoix, as a member representing Republicans, succeeding Mr. Charles T. Fisher III of Grosse Pointe Farms, whose term has expired, for a term expiring on June 30, 2002.

April 23, 1997

There is herewith presented for consideration and confirmation by the Senate, the following appointment to office:

Western Michigan University Board of Trustees

Mr. William W. Carmody, P.O. Box 478, Munising, Michigan 49862, county of Alger, as a member representing the general public, succeeding Mr. Daniel Pero of Ada, who has resigned, for a term expiring on December 31, 2004.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

Third Reading of Bills

Senator Posthumus entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 128, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2882 (MCL 333.2882), as amended by 1996 PA 307.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 136**Yeas—35**

Bennett
Berryman
Bouchard
Bullard
Byrum
Carl
Cherry
Cisky
Conroy

DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emmons
Gast
Geake
Gougeon
Hart

Hoffman
Koivisto
McManus
Miller
North
Posthumus
Rogers
Schuette
Schwarz

Shugars
Smith, A.
Smith, V.
Steil
Stille
Van Regenmorter
Vaughn
Young

Nays—0**Excused—3**

O'Brien

Peters

Stallings

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 305, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 160a.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 137**Yeas—35**

Bennett
Berryman
Bouchard
Bullard
Byrum
Carl
Cherry
Cisky
Conroy

DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emmons
Gast
Geake
Gougeon
Hart

Hoffman
Koivisto
McManus
Miller
North
Posthumus
Rogers
Schuette
Schwarz

Shugars
Smith, A.
Smith, V.
Steil
Stille
Van Regenmorter
Vaughn
Young

Nays—0**Excused—3**

O'Brien

Peters

Stallings

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 322, entitled

A bill to designate the first Monday following February 4 as Mrs. Rosa L. Parks day in the state of Michigan.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 138**Yeas—35**

Bennett
Berryman
Bouchard
Bullard
Byrum
Carl
Cherry
Cisky
Conroy

DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emmons
Gast
Geake
Gougeon
Hart

Hoffman
Koivisto
McManus
Miller
North
Posthumus
Rogers
Schuette
Schwarz

Shugars
Smith, A.
Smith, V.
Steil
Stille
Van Regenmorter
Vaughn
Young

Nays—0**Excused—3**

O'Brien

Peters

Stallings

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senator Young moved that he be named co-sponsor of the following bill:

Senate Bill No. 322

The motion prevailed.

General Orders

Senator DeGrow moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Binsfeld, designated Senator Byrum as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Binsfeld, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 4339, entitled

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 1 (MCL 15.231), as amended by 1996 PA 553.

The bill was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4239, entitled

A bill to amend 1969 PA 287, entitled "An act to regulate pet shops, dog pounds and animal shelters," by amending the title and sections 1, 6, 7, 8, and 9 (MCL 287.331, 287.336, 287.337, 287.338, and 287.339), section 1 as amended by 1980 PA 214, and by adding sections 8a, 9a, and 9b.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole and the bill as substituted was placed on the order of Third Reading of Bills.

Introduction and Referral of Bills

Senators Stille, Bennett and A. Smith introduced

Senate Bill No. 445, entitled

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," by amending the title and sections 1, 2, 3, 4, 6, 7, 9, 13, 14, 15, 16, 17, 21, 22, and 23 (MCL 252.301, 252.302, 252.303, 252.304, 252.306, 252.307, 252.309, 252.313, 252.314, 252.315, 252.316, 252.317, 252.321, 252.322, and 252.323), section 4 as amended by 1990 PA 153, and by adding sections 7a and 21a.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Stille, Bennett and A. Smith introduced

Senate Bill No. 446, entitled

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 16 (MCL 42.16).

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Stille, Bennett and A. Smith introduced

Senate Bill No. 447, entitled

A bill to amend 1945 PA 246, entitled "An act to authorize township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of townships by certain law enforcement officers and agencies; to provide for the publication of ordinances; to prescribe powers and duties of township boards and certain local and state officers and agencies; to

provide sanctions; and to repeal all acts and parts of acts in conflict with the act,” by amending section 1 (MCL 41.181), as amended by 1994 PA 315.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Stille, Bennett and A. Smith introduced

Senate Bill No. 448, entitled

A bill to amend 1895 PA 3, entitled “The general law village act,” by amending section 23 (MCL 67.23).

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Stille, Bennett and A. Smith introduced

Senate Bill No. 449, entitled

A bill to amend 1909 PA 278, entitled “The home rule village act,” by amending section 24 (MCL 78.24), as amended by 1994 PA 15.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Stille, Bennett and A. Smith introduced

Senate Bill No. 450, entitled

A bill to amend 1895 PA 215, entitled “The fourth class city act,” by amending section 14 of chapter XXII (MCL 102.14).

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Stille, Bennett and A. Smith introduced

Senate Bill No. 451, entitled

A bill to amend 1909 PA 279, entitled “The home rule city act,” by amending section 4h (MCL 117.4h).

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Stille, Bennett and A. Smith introduced

Senate Bill No. 452, entitled

A bill to amend 1851 PA 156, entitled “An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act,” (MCL 46.1 to 46.32) by adding section 11d.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Stille, Bennett and A. Smith introduced

Senate Bill No. 453, entitled

A bill to amend 1943 PA 183, entitled “County zoning act,” by amending section 1 (MCL 125.201), as amended by 1996 PA 46.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Stille, Bennett and A. Smith introduced

Senate Bill No. 454, entitled

A bill to amend 1943 PA 184, entitled “Township zoning act,” by amending section 1 (MCL 125.271), as amended by 1996 PA 47.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Stille, Bennett and A. Smith introduced

Senate Bill No. 455, entitled

A bill to amend 1921 PA 207, entitled “City and village zoning act,” by amending section 1 (MCL 125.581), as amended by 1995 PA 36.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Byrum and Schwarz introduced

Senate Bill No. 457, entitled

A bill to amend 1846 RS 1, entitled “Of the statutes,” by amending section 3 (MCL 8.3) and by adding section 3x.

The bill was read a first and second time by title and referred to the Committee on Health Policy and Senior Citizens.

Senators Schwarz, Miller, North, Shugars, Bouchard, Emmons, Geake, McManus, Byrum, Rogers, A. Smith, O'Brien, Vaughn, DeBeaussaert, DeGrow, Steil, Gast, Stille, Bennett, Carl, Gougeon, Cisky, Schuette, Conroy, Young and Van Regenmorter introduced

Senate Bill No. 458, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 307 (MCL 257.307), as amended by 1996 PA 205.

The bill was read a first and second time by title and referred to the Committee on Transportation and Tourism.

Senators Dunaskiss, Schuette, North and McManus introduced

Senate Bill No. 459, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30510 and 30512 (MCL 324.30510 and 324.30512), as added by 1995 PA 59.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Stille, Dunaskiss and North introduced

Senate Bill No. 460, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," by amending section 20 (MCL 125.220).

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Dunaskiss, Schuette, North and McManus introduced

Senate Bill No. 461, entitled

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 20 (MCL 125.290).

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Schuette, Dunaskiss, North and McManus introduced

Senate Bill No. 462, entitled

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending section 5 (MCL 125.585), as amended by 1986 PA 191.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Bennett, Dunaskiss, Schuette, North and McManus introduced

Senate Bill No. 463, entitled

A bill to amend 1950 (Ex Sess) PA 23, entitled "Motor vehicle sales finance act," by amending section 24 (MCL 259.454).

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Van Regenmorter introduced

Senate Bill No. 464, entitled

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," by amending the title and sections 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, and 15 (MCL 432.202, 432.203, 432.204, 432.205, 432.206, 432.208, 432.209, 432.210, 432.211, 432.212, 432.213, 432.214, and 432.215) and by adding sections 4a, 4b, 4c, 6a, 7a, 7b, 7c, 8a, 13a, 13b, 13c, 17, 18, 19, 20, 21, 22, 23, and 24; and to repeal acts and parts of acts.

The bill was read a first and second time by title and referred to the Committee on Gaming and Casino Oversight.

Committee Reports

The Committee on Natural Resources and Environmental Affairs reported

Senate Resolution No. 45.

A resolution to encourage the Department of Natural Resources and the Natural Resources Commission to increase efforts to reduce deer crop damage and the number of deer/car accidents.

(For text of resolution, see Senate Journal No. 30, p.448.)

With the recommendation that the following substitute (S-1) be adopted and that the resolution then be adopted:

A resolution to encourage the Department of Natural Resources and the Natural Resources Commission to increase efforts to reduce deer damage to farmland and forest crops and to reduce the number of deer/car accidents.

Whereas, Over the past several years, Michigan's large deer population has resulted in more damage to farmland and forest crops and a growing number of accidents on the state's roads. In the fall of 1996, it was estimated that the state's deer population was between 1.8 and 2 million; and

Whereas, According to records of the Department of State Police, the number of deer/car accidents in Michigan more than doubled in the ten-year period from 1985 to 1995. This increase, from 28,968 accidents in 1985 to 62,502 in 1995, also reflects a shift in patterns of development in the state; and

Whereas, In response to the size of the deer population and the related traffic safety and crop losses, hunting was increased. While this is an appropriate response to the problem, there must be other initiatives that could address the problems statewide and in specific regions. The costs to safety and agriculture and forest crops argue for stronger efforts; now, therefore, be it

Resolved by the Senate, That we encourage the Department of Natural Resources and the Natural Resources Commission to increase efforts to reduce deer damage to farmland and forest crops and to reduce the number of deer/car accidents; and be it further

Resolved, That copies of this resolution be transmitted to the Natural Resources Commission and the Department of Natural Resources.

Loren N. Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Dunaskiss, Gast, Dingell and DeBeaussiaert

Nays: None

The resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submits the following:

Meeting held on Wednesday, April 23, 1997, at 8:45 a.m., 8th Floor Conference Room, Farnum Building

Present: Senators Bennett (C), Dunaskiss, Gast, Dingell and DeBeaussiaert

The Committee on Judiciary reported

Senate Bill No. 181, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 1034 (MCL 330.2034) and by adding sections 487 and 542.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Rogers, Cisky, Geake, Dingell, Peters and V. Smith

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 342, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 411h and 411i (MCL 750.411h and 750.411i), section 411h as added by 1992 PA 260 and section 411i as added by 1992 PA 261.

With the recommendation that the bill pass.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Rogers, Cisky, Geake, Dingell, Peters and V. Smith

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submits the following:

Meeting held on Tuesday, April 22, 1997, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Van Regenmorter (C), Rogers, Cisky, Geake, Dingell, Peters and V. Smith

The Committee on Economic Development, International Trade and Regulatory Affairs reported

Senate Bill No. 262, entitled

A bill to amend 1929 PA 16, entitled "An act to regulate the business of carrying or transporting, buying, selling or dealing in crude oil or petroleum or its products, through pipe lines; to authorize the use of public highways and the condemnation of private property; to regulate the purchase and storage of crude oil or petroleum; to provide for the control and regulation of all corporations, associations and persons engaged in such business, by the Michigan public utilities commission; to define the powers and duties of the commission in relation thereto; and to prescribe penalties for violations of the provisions hereof," (MCL 483.1 to 483.11) by adding sections 2a and 2b.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Bill Schuette
Chairman

To Report Out:

Yeas: Senators Schuette, Shugars, Gougeon and O'Brien

Nays: None

The bill was referred to the Committee of the Whole.

Scheduled Meetings

Legislative Council - Thursday, May 15, at 1:30 p.m., Rooms 402 and 403, Capitol Building (3-0170).

Natural Resources and Environmental Affairs Committee - Wednesday, April 30, at 8:45 a.m., 8th Floor Conference Room, Farnum Building (3-7350).

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 10:36 a.m.

The President, Lieutenant Governor Binsfeld, declared the Senate adjourned until Tuesday, April 29, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

